

SIXTH REGULAR SESSION

Johnstown, NY

June 11, 2012

Roll Call- Quorum Present

Supervisors: Argotsinger, Born, Bradt, Callery, Capek, DiGiacomo, Fagan, Gendron, Handy, Johnson, Kemper, Kinowski, Lauria, MacVean, Ottalagano, Ottuso, Ponticello, Potter, Waldron

TOTAL: Present: 19 Absent: 1 (Supervisor Howard)

Chairman Gendron called the meeting to order at 1:00 p.m., with Supervisor Howard absent upon roll call. Following the Pledge of Allegiance to the Flag, Chairman Gendron asked if there was anyone present from the public who wished to address the Board. There being no one, Chairman Gendron called for review of Communications and Reports.

COMMUNICATIONS

1. Communication from Assemblyman Marc Butler to Jon Stead, Clerk of the Board, dated May 23, 2012

Subj: Acknowledge receipt of Resolution 182 calling upon the Governor's Mandate Relief Council to submit a package of proposals to the State Legislature

LATE COMMUNICATIONS:

1. Communication from Donna Cirolia, Vice President, Regional Public Affairs and Communications for Coca-Cola, to Jon R. Stead, dated June 4, 2012

Subj: Opposition to New York City Department of Health & Mental Hygiene's proposed restriction of certain sized sugar-sweetened beverages.

REPORTS OF SPECIAL COMMITTEES

Adirondack Local Government Review Board: Supervisor Kemper advised that Governor Cuomo is asking for more cooperation by the Adirondack Park Agency with regards to streamlining paperwork. This is a positive move towards more economic development in the Adirondack Park. She also advised that there is growing support to get Environmental Protection Agency (EPA) money for water quality protection and invasive species issues, rather than buying more state land. The ALGRB is also supporting efforts to streamline the Regional Economic Development Council system as it relates to Adirondack issues/projects.

Inter-County Legislative Committee of the Adirondacks: Supervisor Kemper advised that the May meeting was held at Lanzi's on the Lake. James Mraz, Planning Director, gave an excellent presentation on the redevelopment plan for the former Tryon Secure Facility. She also stated that the Senate is expected to adjourn on June 21 and NYSAC is positive that any new tax proposals will not be considered. She also noted that any additional mandate relief is "dead in the water". The next meeting is June 21 in Hamilton County.

Soil and Water Conservation District: Supervisor Ponticello advised that a meeting was held on May 15. A new truck purchase was approved. There have been several field work and culvert projects. Work is continuing on the dam project at the Sprite Club. They have performed several pond dredging projects, tile layout work, and a water drainage project at the Boy Scout camp. A water drainage project was also completed at the FMCC Complex for their soccer fields. Tile and pipe sales continue to be very good. He also advised that an Envirothon was sponsored by the District and both Northville and Oppenheim-Ephratah School Districts did very well.

CHAIRMAN'S REPORT

Chairman Gendron advised that he attended the Adirondack Inter-County meeting at Lanzis. He noted that a joint letter was received from Assemblyman Butler and Senator Farley regarding their invitation to attend the June Board of Supervisors meeting. Due to conflicts with Legislature session scheduling, they could not attend. The letter noted that if any of the Board members would like to meet with them in Albany, they would be glad to do so. The Chairman attended the FMCC graduation on May 18. There were 566 graduates. He stated that it was a "powerful" experience.

RESOLUTIONS

No. 222 (Resolution Authorizing sale of a Certain County Tax Acquired Parcel to the Town of Oppenheim): Supervisor Capek asked if this resolution could be amended to allow the Town to purchase this parcel in two installment payments. One payment would be made now and the other payment would be due in January 2013.

Supervisor Capek made a motion requesting that Resolution No. 222 (Resolution Authorizing Sale of a Certain County Tax Acquired Parcel to the Town of Oppenheim) be amended by adding the following:

Resolved, That the Town of Oppenheim may elect to pay the total amount due via one 50 percent installment in 2012 and one 50 percent installment in January 2013,

seconded by Supervisor Fagan and unanimously carried (Supervisor Howard absent)

A motion was offered by Supervisor Fagan, seconded by Supervisor DiGiacomo, and unanimously carried to waive the Rules of Order to take action on Late Resolution 228.

No. 228 (Resolution Supporting S.5509B/A.8489A to revise the Sharing Formula for Wireless E911 Surcharge Monies): Mr. Stead advised that several counties have been pushing for this change for quite some time. He stated that the Sheriff brought this request to Mr. Stead's attention late last week. Due to the legislative session ending June 21, Mr. Stead decided to put this forward for the Board's consideration as a late resolution.

Supervisor Kemper asked what the percentage is that Fulton County currently receives. Mr. Stead stated there is no specified percentage in the current allocation method by the State. Currently, a grant application is submitted each year to request a portion of the surcharge funds. This is the first time there is a bill in both houses that would specify a certain required percentage that has to be shared. NYSAC is supportive of this bill.

Supervisor Fagan asked if the landline 911 surcharge has a percentage. Mr. Stead stated that Fulton County receives 100 percent the landline surcharge. Supervisor DiGiacomo asked how much Fulton County received last year for the wireless surcharge. Mr. Stead stated that the amount was originally around \$30,000.00, but then it was reduced to around \$26,000.00 in 2011. Supervisor DiGiacomo asked how much was distributed statewide. Mr. Stead stated he was not sure of this amount. After a quick review of the March 12 Board minutes, Mr. Stead advised that, at that meeting, Sheriff's Captain Hillier advised that \$192,486,585.00 was collected in revenue by New York State for the 911 wireless surcharge. Of that, \$25.5 million went to the New York State Police. The New York State General Fund received \$95,113,582.00. Over \$51 million was allocated for proposed 911 grants. Of the \$192 million collected, \$9.3 million was earmarked for County 911 systems based on population.

Upon a motion by Supervisor Argotsinger, seconded by Supervisor Bradt and unanimously carried, the Board entered into Executive Session at 1:30 p.m. to discuss pending litigation.

Upon a motion by Supervisor Fagan, seconded by Supervisor Handy and unanimously carried, the Committee re-entered into Regular Session at 1:53 p.m.

There being no further business, the meeting adjourned at 1:55 p.m., upon a motion by Supervisor Callery, seconded by Supervisor Kemper and unanimously carried.

Certified by:

Jon R. Stead, Administrative Officer/ DATE
Clerk of the Board

Resolution No. 206

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING OFFER OF TOWN OF EDINBURG FOR SURPLUS GRADALL IN THE HIGHWAY & FACILITIES DEPARTMENT

WHEREAS, Resolution 110 of 2012 authorized advertisement for bids from municipalities for the sale of two (2) surplus used Gradalls in the Highway & Facilities Department; and

WHEREAS, the Town of Edinburg submitted separate offers for the 1996 XL4100 Gradall and the G660 Gradall in anticipation of purchasing one unit or the other; and

WHEREAS, the Town of Edinburg has submitted a request to withdraw its bid for the 1990 G660 Gradall; now, therefore be it

RESOLVED, upon the recommendation of the Highways and Facilities Superintendent, Purchasing Agent and Committees on Building & Grounds/Highway and Finance, the offer, in the amount of \$18,500.00, as submitted by the Town of Edinburg for the sale of a surplus used 1996 XL4100 Gradall be and hereby is accepted, as placed on file in the Office of the Purchasing Agent; they being the only bidder in accordance with bid specification dated March 12, 2012; and, be it further

RESOLVED, That the proceeds from said sale be deposited into Revenue Account DM-083-2665.000 – Sales of Equipment; and, be it further

RESOLVED, That the bid withdrawal request by the Town of Edinburg be and hereby is accepted; and, be it further

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Decrease DM-083-2665.000 – Sales of Equipment	\$11,500.00
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Appropriation Account:

Decrease DM-825-5130.419 – RD Machinery-Lease Veh vs. Purchase	\$11,500.00
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RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Town of Edinburg, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 19	Nays: 0	Absent: 1 (Supervisor Howard)
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Resolution No. 207

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING REQUEST FOR
QUALIFICATIONS FROM AIRPORT ENGINEERS FOR AWOS
PROJECT AT FULTON COUNTY AIRPORT

WHEREAS, the 2012 Capital Plan identifies an Automated Weather Observation Station (AWOS) Project at the Fulton County Airport; and

WHEREAS, the Federal Aviation Administration requires the utilization of a professional airport engineer to prepare plans and specifications for an AWOS system; now, therefore be it

RESOLVED, That the Planning Director be and hereby is authorized and directed to distribute a Request for Qualifications (RFQ) to FAA-certified airport engineers for the AWOS Project at the Fulton County Airport; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all proposals; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Planning Director, Fixed Base Operator and Administrative Officer/Purchasing Agent.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 208

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION APPROVING THE CHIEF LOCAL ELECTED OFFICIALS (CLEO) AGREEMENT BETWEEN FULTON, MONTGOMERY AND SCHOHARIE COUNTIES

WHEREAS, in accordance with the Workforce Investment Act (WIA) of 1998, Fulton, Montgomery and Schoharie Counties entered into an agreement prescribed by WIA to govern the management structure for the Fulton-Montgomery-Schoharie Workforce Development Board since 2000; and

WHEREAS, the Chief Local Elected Officials (CLEO) agreement authorizes the F-M-S Workforce Development Board to provide planning, guidance, monitoring, support, oversight and regulation to ensure the highest quality workforce development system; and

WHEREAS, the last extension of said CLEO agreement expires on June 30, 2012; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a formal Chief Local Elected Officials (CLEO) agreement between the County of Fulton, and Counties of Montgomery and Schoharie to implement requirements of the Workforce Investment Act, effective July 1, 2012 through June 30, 2013; said agreement subject to the approval of the County Attorney; and, be it further

RESOLVED That certified copies of this Resolution be forwarded to the County Treasurer, Workforce Development Board, Montgomery County Board of Supervisors, Schoharie County Board of Supervisors, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 209

Supervisors BRADT AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AWARDING BID FOR A RECYCLING TRUCK
FOR USE IN THE SOLID WASTE DEPARTMENT (2012 CAPITAL PLAN)**

WHEREAS, the 2012 Capital Plan identifies a Recycling Truck for use by the Solid Waste Department; and

WHEREAS, Resolution 142 of 2012 authorized advertisement for bids for said Recycling Truck and three (3) bids were received; and

WHEREAS, the Solid Waste Director and Purchasing Agent recommend awarding the bid to HL Gage Sales; now, therefore be it

RESOLVED, That the net bid, in an amount of \$94,775.00, as submitted by HL Gage Sales, of Albany, NY, for the purchase of a Recycling Truck (without trade-in) for use in the Solid Waste Department be and hereby is awarded; they being the lowest responsible bidder in accordance with Specification No. 2012-86-03, dated 16 May 2012; and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfers:

From:

EW-865-8161.201 Solid Waste Tr/HL-Capital Equipment	\$8,598.00
EW-865.8162.201 Central Landfill Oprns-Capital Equipment	<u>\$1,177.00</u>
	\$9,775.00

To:

EW-865-8163.201 Recycling – Capital Equipment	\$9,775.00
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and, be it further,

RESOLVED, That the County Treasurer be and hereby is directed to transfer \$94,775.00 from EW-082-0878.000 CL Bldg/Equipment Depreciation to EW-082-0909.000 Fund Balance; and, be it further,

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, All Bidders, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 210

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR PURCHASE OF A RECYCLING CONVEYOR FOR USE IN THE SOLID WASTE DEPARTMENT (2012 CAPITAL PLAN)

WHEREAS, the 2012 Capital Plan identifies funding for the purchase of a Recycling Conveyor for use in the Solid Waste Department; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of a Recycling Conveyor for use in the Solid Waste Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 205, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 205, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, July 18, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director and Administrative Officer/Purchasing Agent.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 211

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CONSENT AND AGREEMENT BETWEEN THE COUNTY OF FULTON, COMERICA BANK AND INNOVATIVE/FULTON, LLC RELATED TO THE LANDFILL GAS TO ELECTRIC PROJECT

WHEREAS, Resolution 111 of 2007 authorized gas assignment contract and property lease between the Solid Waste Department and Innovative Energy Systems, Inc. to operate a landfill gas utilization plant at the Fulton County Landfill; and

WHEREAS, Innovative Energy has entered into a revolving credit agreement with Comerica Bank using its gas utilization plant assets as collateral; and

WHEREAS, Fulton County is being asked to sign a consent and agreement recognizing Comerica Bank's ownership interest in Innovative's gas utilization plant assets; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a "consent and agreement" between the County of Fulton, Comerica Bank and Innovative/Fulton, LLC; and, be it further,

RESOLVED, That said agreement is subject to the approval of special legal counsel, Miller, Mannix, Schachner & Hafner, LLC.; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Innovative Energy Systems, Comerica Bank, Miller, Mannix, Schachner & Hafner, LLC, Budget Director/County Auditor, Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 212

Supervisors BRADT AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING PAYMENT OF GRANT ADMINISTRATIVE FEES AND
EXPENSES TO EMPIRE STATE DEVELOPMENT FOR TRYON TECHNOLOGY PARK
AND INCUBATOR CENTER PROJECT (2012 CAPITAL PLAN)**

WHEREAS, Resolution 345 of 2011 authorized a New York State Consolidated Funding Application for redevelopment of the former Tryon Campus; and

WHEREAS, the 2012 Capital Plan identified a Tryon Technology Park and Incubator Center Project; and

WHEREAS, Resolution 140 of 2012 authorized a Resolution accepting a grant of \$2 million from Empire State Development for the Tryon Technology Park and Incubator Center Project; and

WHEREAS, Empire State Development has advised the Board of Supervisors that execution of the grant agreement (Incentive Proposal Agreement) requires additional payments by the County as follows:

Application Fee	\$ 250.00
Public Hearing Fees	850.00
“Commitment Fee”	<u>10,000.00</u>
	\$11,100.00

now, therefore be it,

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign the Incentive Proposal Agreement with Empire State Development and to pay associated expenses as outlined herein; and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-795-9950.000 – Transfer to Capital
To: H-085-6430.100 – Tryon Tech Park – Design (new)
Sum: \$11,100.00

and, be it further

Resolution No. 212

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Empire State Development, Fulton County IDA, Senator Farley, Assemblyman Butler, Fulton County Center for Regional Growth, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 213

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

RESOLUTION AWARDING A CERTAIN PARTIAL YEAR BID TO BROWN TRANSPORTATION, INC. FOR THE CHILDREN WITH HANDICAPPING CONDITIONS TRANSPORTATION PROGRAM (HERKIMER COUNTY BOCES, ILION)

WHEREAS, Resolution 371 of 2011 awarded bids for the Children with Handicapping Conditions Transportation Program for transportation services in 2012; and

WHEREAS, a new route must be established to provide transportation services for a summer Pre-K Program to Herkimer County BOCES, Ilion, NY; and

WHEREAS, Resolution 148 of 2012 authorized advertising for the establishment of said route and one (1) bid was received; now, therefore be it

RESOLVED, That a new route be and hereby is created for the Children with Handicapping Conditions Transportation Program effective July 5, 2012 through August 14, 2012, as follows:

Program Site/Route

Route #12

Herkimer County BOCES (Ilion)

and, be it further

RESOLVED, That the bid, at a daily site route cost of \$324.00, as submitted by Brown Transportation, Inc. of Amsterdam, NY, be and hereby is awarded; they providing the lowest bid in accordance with Specification #2012-40-01, dated April 16, 2012; and, be it further

RESOLVED, That said cost be a charge against A-295-2960.418 Educ of PHC-(3-5) Transportation; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Brown Transportation, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 525 (18) Nays: 21 (1) (Supervisor Callery) Absent: 5 (1) (Supervisor Howard)

Resolution No. 214

Supervisors DIGIACOMO AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE SALE OF EXCESS DENTAL EQUIPMENT IN THE PUBLIC HEALTH DEPARTMENT

WHEREAS, the Dental Clinic located at the Public Health Department ceased operation effective March 31, 2011; and

WHEREAS, the Public Health Director recommends selling dental equipment formally used in said Clinic; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for dental chairs and associated dental equipment (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 205, Johnstown, NY 12095, during usual business hours); and, be it further:

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 205, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, July 18, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director and Administrative Officer/Purchasing Agent.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 215

Supervisor CAPEK offered the following Resolution and moved its adoption:

RESOLUTION AMENDING THE FULTON COUNTY WORKPLACE VIOLENCE PREVENTION PROGRAM

WHEREAS, pursuant to NYS Labor Law, Article 2, Section 27-b, Resolution No. 154 of 2012 adopted the Fulton County Workplace Violence Prevention Program; and

WHEREAS, the Director of Personnel, after consultation with NYS Department of Labor officials, recommends certain minor revisions to the wording of Fulton County's policy; now, therefore be it

RESOLVED, That, effective immediately, the Fulton County Workplace Violence Prevention Program written policy be and hereby is amended to include:

- Designated Contact Person
- The Program will be reviewed annually
- Workplace Violence Incident Report form will include Job Title

and, be it further

RESOLVED, That all other terms and aspects of said Program shall remain in full force and effect; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, All Department Heads, Budget Director/County Auditor, Fulton County Code Book and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 216

Supervisor WALDRON offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING CERTAIN MEMBERS TO THE ALTERNATIVES TO
INCARCERATION ADVISORY BOARD FOR 2012**

WHEREAS, Resolution 40 of 2012 appointed members to the Alternatives to Incarceration Advisory Board for 2012; and

WHEREAS, several vacancies remained on said Board, now, therefore be it

RESOLVED, That the following persons be appointed as members to the Alternatives to Incarceration Advisory Board for the balance of year 2012:

David Curtis	Fulton County Correctional Facility
Marie Oeser	Pre-Trial Release Director
Donald Nadler	Town Magistrate
Sgt. Jamie Allen	City of Johnstown Police Officer
Honorable Jon Clo	City of Gloversville Judge
Dawn Ackernelcht	ATI Representative
Chief Donald VanDeusen	City of Gloversville Chief of Police

and, be it further

RESOLVED, That Board members are required to complete the Fulton County Board of Ethics' Financial Disclosure Statement and are further directed to sign the Fulton County Oath Book located in the Fulton County Clerk's Office; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Alternatives to Incarceration Advisory Board, Citizens in Community Service, County Clerk, Fulton County Board of Ethics and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 217

Supervisor WALDRON offered the following Resolution and moved its adoption:

RESOLUTION APPLYING FOR AND ACCEPTING A GRANT FROM THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES TO CREATE A 5TH ASSISTANT PUBLIC DEFENDER

WHEREAS, the Public Defender has received notification from the NYS Office of Indigent Legal Services that Fulton County is eligible for a grant to improve the quality of legal services provided to indigent individuals in Fulton County; and

WHEREAS, the grant will be a three-year distribution from the Indigent Legal Services Fund in the amount of \$110,124.00 (annual amount of \$36,708.00); and

WHEREAS, said grant funds cannot be used to supplant existing local funding; and

WHEREAS, the Public Defender proposes to use the grant proceeds toward salary and benefits for a new Assistant Public Defender at a salary of \$25,000.00 per year and approximate benefit costs of \$11,250.00 per year; now, therefore be it

RESOLVED, That the Chairman of the Board, on behalf of the Fulton County Public Defender, be and hereby is authorized to apply for a the NYS Office of Indigent Legal Services grant for the purposes of creating a new position of 5th Assistant Public Defender (part-time), and be it further

RESOLVED, That the Public Defender is hereby directed to return to the Board of Supervisors to pursue creation of the new position following formal approval by the NYS Office of Indigent Legal Services of the related grant application; and, be it further

RESOLVED, That said agreement shall be subject to further review by the appropriate committee of this Board of Supervisors in the event of any changes/reductions to State revenues, in order to make necessary budget amendments and/or contract amendments; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Defender, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 218

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CONTRACT WITH THE NYS CRIME VICTIMS BOARD FOR THE 2012-2013 CRIME VICTIM ASSISTANCE PROGRAM (DISTRICT ATTORNEY)

WHEREAS, the County of Fulton has been notified that it will receive Crime Victim Assistance Program grant monies, in an annual amount of \$94,731.00.00, effective October 1, 2012 through September 30, 2013, with a cost breakdown as follows:

NYS Crime Victims Board Reimbursement:	\$ 94,731.00
County Contribution:	6,437.00
Third Party Existing Paid Resources/In-Kind Svcs	<u>18,500.00</u>
TOTAL	\$119,668.00

now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to sign a contract with the New York State Crime Victims Board, for a total grant of \$94,731.00 for the above-named period; local share to be provided in the amount of \$6,437.00 from current budgetary line items and in-kind and third-party contributions not to exceed \$18,500.00, for a total program cost of \$119,668.00; such program contingent upon approval of said contract by the New York State Comptroller's Office and the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, District Attorney, NYS Crime Victims Board, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 219

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING THE PURCHASE OF INTEROPERABLE RADIOS FOR HIGHWAYS AND FACILITIES DEPARTMENT VEHICLES WITH E911 RESERVE FUNDS

WHEREAS, effective January 1, 2013 all public safety and government mobile radio systems operating in the 150-512 MHz radio bands must cease using 25 kHz technology; and

WHEREAS, County Highway and Facilities Department vehicles have non-compliant radios due to the age of the radios; and

WHEREAS, the County Highway and Facilities Department radio system is an integral part of the E-911 system during times of emergencies and weather related incidents and must be interoperable with law enforcement agencies, fire departments and other highway departments; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Public Safety and Finance, the Superintendent of Highways and Facilities be and hereby is authorized to purchase thirty-four (34) Motorola CM-200 4 channel VHF mobile radios, in accordance with the Fulton County Purchasing and Audit Guidelines, at a total not to exceed cost of \$13,940.00 for installation in County Highway and Facilities Department vehicles; and, be it further

RESOLVED, That the Superintendent of Highways and Facilities is hereby authorized to chargeback the Sheriff for said radio purchase utilizing E911 Reserve funds; and, be it further

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Accounts:

Increase A-083-1760.000 Enhanced 911 Surcharge	\$13,940.00
Increase DM-083-2770.000 Miscellaneous-Other	\$13,940.00

Appropriation Accounts:

Increase A-305-3020.200 Enhanced 911-Equipment	\$13,940.00
Increase DM-825-5130.200 RD Machinery-Equip	\$13,940.00

and, be it further

RESOLVED, That the Sheriff, Superintendent of Highways and Facilities and County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

Resolution No. 219 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Superintendent of Highways and Facilities, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor JOHNSON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 220

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION EXTENDING EMPLOYMENT OF NURSING HOME CONTROLLER POSITION

WHEREAS, Resolution 121 of 2012 confirmed an interim structure for Nursing Home Administration at the Residential Health Care Facility; and

WHEREAS, said interim structure extended the Nursing Home Controller position through June 30, 2012 to carry out final billing, payroll processing and reimbursement accounting as well as Cost Reports and Financial Statements beyond the transfer date of April 1, 2012; and

WHEREAS, the Board of Supervisors has been notified that the New York State Office of Medicaid Inspector General is conducting an audit of Medicaid billing records of the former Residential Health Care Facility for the period September 1, 2009 through October 31, 2011 and it is expected to take several weeks to complete this audit; and

WHEREAS, in addition to the audit, work on the Residential Health Care Facility Financial Statements and the 2012 Medicaid Cost Reports will not be fully completed until late June/early July; and

WHEREAS, the Committee on Finance recommends extending the employment of the Nursing Home Controller position through July 31, 2012 to provide the administrative support necessary to comply with audit requests, Financial Statement completion and final close-out billing work; now, therefore be it

RESOLVED, That the Nursing Home Controller position be and hereby is extended through July 31, 2012; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Nursing Home Controller, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 221

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING FILING OF “CERTIFICATE OF WITHDRAWAL”,
“CERTIFICATE OF CANCELLATION”, AND “CERTIFICATE OF PROSPECTIVE
CANCELLATION” RELATIVE TO GLENCOE LEATHER CORPORATION PROPERTIES
WITH POTENTIAL ENVIRONMENTAL HAZARDS

WHEREAS, the County Treasurer has recommended not to foreclose upon a tax delinquent property at 7 Glenwood Avenue, Gloversville, formerly known as Glencoe Leather Corporation (SBL#134.15-2-2) due to potential environmental hazards; and

WHEREAS, the County Attorney has provided an opinion that said parcel should not be foreclosed upon due to existing environmental concerns and should be withdrawn from any tax foreclosure proceedings; and

WHEREAS, in order to protect the County from environmental and/or financial liability related to said parcels, the County Attorney and County Treasurer recommend that appropriate "Certificate of Withdrawal", "Certificate of Cancellation" and "Certificate of Prospective Cancellation" be filed in the Court of appropriate jurisdiction; now, therefore be it

RESOLVED, That upon the recommendation of the County Treasurer, County Attorney and Committee on Finance, the County Treasurer be and hereby is directed to file a "Certificate of Withdrawal", "Certificate of Cancellation" and "Certificate of Prospective Cancellation" with the Real Property Tax Services Agency Director, County Clerk, and City of Gloversville Assessor's Office for certain parcels owned by Glencoe Leather Corp., in the City of Gloversville:

<u>Parcel No.</u>	<u>Years in Delinquency</u>	<u>Tax Delinquency</u>
134.15-2-2 7 Glenwood Avenue	2007-2012	County \$ 5,549.58
	2007-2011	City \$22,099.06
	2007-2011	School <u>\$13,193.98</u>
		\$40,842.62

and, be it further

RESOLVED, That the County Attorney and County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

Resolution No. 221 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Real Property Tax Services Agency, County Clerk, City of Gloversville Assessor, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 222

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING SALE OF A CERTAIN COUNTY TAX ACQUIRED
PARCEL TO THE TOWN OF OPPENHEIM**

WHEREAS, the Town of Oppenheim has made a written request to purchase a certain parcel of County-owned property in the Town of Oppenheim that is adjacent to Town-owned property; and

WHEREAS, the Committee on Finance has reviewed and approved said property transfer request, contingent upon the Town of Oppenheim paying the county for the tax delinquency and filing fees and the County's auctioneer any penalty for early withdrawal from the auction, as per contract; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is authorized and directed to sell County-owned property (Parcel No. 126.2-1-47) in the Town of Oppenheim, to the Town of Oppenheim, for a total amount due, as follows:

Delinquent Taxes	\$ 9,110.10
Auctioneer's Buyer Fee	911.01
Filing Fees	<u>215.00</u>
Total Amount Due	\$10,236.11

and, be it further

RESOLVED, That the County Treasurer be directed to record the appropriate deed after the execution thereof and after the purchaser pays the proper amount due; and, be it further

RESOLVED, That the Town of Oppenheim may elect to pay the total amount due via one 50 percent installment in 2012 and one 50 percent installment in January 2013; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Real Property Tax Services Agency, Town of Oppenheim, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 223

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION ESTABLISHING ACCOUNTS FOR MAINTENANCE OF WATER AND
SEWER PUMP STATIONS IN THE HIGHWAY AND FACILITIES DEPARTMENT**

WHEREAS, the County owns a sewer line located in Meco and a water pump station on West State Street Extension; and

WHEREAS, past maintenance costs for said utilities were appropriated in the Residential Health Care Facility budget; and

WHEREAS, the Residential Health Care Facility was sold effective April 1, 2012; and

WHEREAS, ongoing maintenance of the County-owned sewer line in Meco and the water pump station must be delegated to another County department to efficiently and effectively maintain the utility infrastructure; and

WHEREAS, the Budget Director recommends appropriating monies at this time to fund monthly electric bills as well as recent repairs made to the sewer line; now, therefore be it

RESOLVED, That ongoing maintenance and repair responsibilities for the County-owned sewer line in Meco and the County-owned water pump station on West State Street Extension are hereby delegated to the Highways and Facilities Department; and, be it further

RESOLVED, That the County Treasurer be and hereby is authorized to make the following transfer:

From: A-795-9961.700 Contribution to RHCF Enterprise Fund	\$11,530.00	
To : A-245-1627.403 Meco Water/Sewer-Repairs (new)		\$8,530.00
A-245-1627.415 Meco Water/Sewer-Electric/Gas (new)		3,000.00

and, be it further

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Decrease EH-083-5031.000 Contribution from General Fund	\$11,530.00
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Appropriation Account:

Decrease EH-845-6020.415 RHCF-Electricity	\$11,530.00
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and, be it further

Resolution No. 223 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Nursing Home Controller, Budget Director/County Auditor, and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 224

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN SURPLUS EQUIPMENT

WHEREAS, the Purchasing Agent recommends disposal of broken equipment in certain departments; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized to dispose of the following County surplus equipment, in accordance with the Fulton County Purchasing and Audit Guidelines:

Information Services:

IntraLink Towers (2)

Social Services:

Chair (0005439)

Sheriff:

Base Station Simplex (0002443)

and, be it further

RESOLVED, That the Superintendent of Highways and Facilities, Solid Waste Director and Purchasing Agent be and hereby are directed to arrange for the disposal of the listed surplus as scrap and/or refuse, to be coordinated with the Solid Waste Department's current bulky metals contract, as necessary; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Information Services Director, Sheriff, Social Services Commissioner, Solid Waste Director and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 225

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING TRANSFER OF OWNERSHIP OF FOUR SURPLUS COMPUTERS TO CITIZENS IN COMMUNITY SERVICES

WHEREAS, a letter was received from the Chairman of the Citizens in Community Service Board, requesting that the County consider allowing Citizens in Community Service to acquire four (4) County-owned surplus Dell Optiplex 775 computers in order to replace the agency's current computers; and

WHEREAS, Citizens in Community Service is a not-for-profit agency contracted to operate the County's Alternatives to Incarceration Program to support the County Jail inmate classification system; and

WHEREAS, the Alternatives to Incarceration Program is considered a County "Core Program"; and

WHEREAS, Citizens in Community Service's current computers are old and do not allow the staff to access certain State electronic mailings/reports; and

WHEREAS, the Purchasing Agent recommends the transfer of four (4) surplus Dell Optiplex 775 computers to ownership of Citizens in Community Service in support of the Program; now, therefore be it

RESOLVED, That the Purchasing Agent is authorized to dispose of four (4) surplus Dell Optiplex 775 computers to Citizens in Community Service and remove said equipment from the County's Fixed Assets Inventory; and, be it further

RESOLVED, That the Purchasing Agent and County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Citizens in Community Service, Information Services Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 226

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING SETTLEMENT AGREEMENT RELATED TO “SPETLA
VS. FULTON COUNTY”

WHEREAS, the County’s insurance carrier, New York Municipal Insurance Reciprocal (NYMIR) and its assigned counsel informed the County that a tentative settlement of “Amy Spetla vs. the County of Fulton, et al”, has been reached in an amount of \$300.00; now, therefore be it

RESOLVED, That the County Treasurer is authorized to charge said amount to EH-845-6020.470 RHCF-Misc.; and, be it further

RESOLVED, That Special Legal Counsel, County Attorney and County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, NYMIR, Lemire Johnson, LLC, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 227

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN TRANSFERS AND BUDGET AMENDMENTS

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfers and budget amendments:

From : A-275-1680.100 Information Services-P/R
To : A-015-1010.410 BOS-Advertising
Sum : \$1,500.00

From : DM-825-5130.403 Rd Machinery-Repairs
To : DM-825-5130.200 Rd Machinery-Equip
Sum : \$359.00 (Chainsaw)

From	: EH-845-6020.409 RHCF-Professional Svcs	\$	434.00
To	: EH-845-6020.402 RHCF-Travel Exp	\$	99.00
	EH-845-6020.461 RHCF-Kitchen Supplies		260.00
	EH-845-6020.467 RHCF-Linen		<u>75.00</u>
		\$	434.00

and, be it further

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-2680.000 Insurance Recoveries	\$	200.00
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Appropriation Account:

Increase A-305-3110.403 Sheriff Dept-Repairs, Reg Tuneups	\$	200.00
Decrease A-081-0599.000 Appropriated Fund Balance		\$131,363.00
Increase A-083-1001.000 Real Property Taxes	\$131,363.00	

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Information Services Director, Nursing Home Controller, Sheriff, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

Resolution No. 228

Supervisor WALDRON offered the following Resolution and moved its adoption:

RESOLUTION SUPPORTING S.5509B/A.8489A TO REVISE THE SHARING FORMULA FOR WIRELESS E911 SURCHARGE MONIES

WHEREAS, in 1991, the NYS Legislature enacted a statute that placed a monthly surcharge of 70 cents on each cell phone bill and that monthly surcharge was increased to \$1.20 per cell phone in 2002; and

WHEREAS, the allocation of said wireless surcharge monies collected by the State was intended to help defray the costs of operating and maintaining county 911 centers throughout the state; and

WHEREAS, counties now receive only a small portion of over \$2 million dollars collected from said surcharge by the State each year because the monies have been diverted to other state purposes; and

WHEREAS, S.5509-B/A.8489-A, as proposed, would require that 58.3% of E911 wireless surcharge funds must be used for grants or reimbursements to counties for the development, consolidation, or operation of public safety communications systems or networks designed to support interoperable communications for first responders, including Next Generation 911 and the remaining 41.7% would be used for miscellaneous state expenses; now, therefore be it

RESOLVED, That the Board of Supervisors hereby urges the State Legislature and Governor Cuomo to approve S.5509-B/A.8489-A that would revise the sharing formula for wireless E911 surcharges monies to ensure that local governments receive the funds necessary to upgrade 911 call centers and maintain emergency dispatch center operations in the name of public safety; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Cuomo, Senator Hugh Farley, Assemblyman Marc Butler, New York State Association of Counties, All Counties, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)